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OFFICE OF PETITIONS

In re Application of
William Setter et al.
Application No. 10/767,190
Filed: January 30, 2004
Attorney Docket No. 119508-00102

: DECISION ACCORDING STATUS
: UNDER 37 CFR 1.47(a)

This is in response to the petition filed December 14, 2004 under 37 CFR 1.47(a).

The petition is **GRANTED**.

The above-identified application was filed on January 30, 2004, naming William Setter and Vankata Ramana Srinivasa Hogirala as joint inventors but without a signed declaration. Accordingly, on June 15, 2004, a "Notice To File Missing Parts of Application" was mailed, requiring *inter alia* a properly executed oath or declaration.

In response, an oath or declaration executed only by joint inventor Hogirala, the instant petition under 37 CFR 1.47(a) and a request for a four month extension of time was filed. The petition argues that joint inventor Setter refuses to sign the oath or declaration and thus by his actions, to cooperate with the filing of the instant application.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

The petition bears proof that the application papers were sent to Mr. Setter and that he has verbally, in a conversation with an employee of the assignee, Lawrence T. Rupert, refused to sign the oath or declaration or to cooperate with the filing of the instant application. The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). In view thereof, this application is hereby accorded Rule 1.47(a) status.

Thus, as provided in Rule 1.47c, this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This matter will be referred to Technology Center 3721 for examination in due course.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.



Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions